

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

KAREN M GUDYNOWSKI,

Plaintiff,

v.

Case No: 2:20-cv-176-FtM-38MRM

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation ("R&R") ([Doc. 26](#)) on Defendant's Opposed Motion for Entry of Judgment with Remand ([Doc. 22](#)). Judge McCoy recommends granting the Motion. Neither party timely objected, so the matter is ripe for review.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's R&R. See [28 U.S.C. § 636\(b\)\(1\)](#); see also [*Williams v. Wainwright*, 681 F.2d 732 \(11th Cir. 1982](#)). In the absence of specific objections, there is no

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requirement that a district judge review factual findings de novo, *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations, 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions de novo, even in the absence of an objection. See *Cooper-Houston v. Southern Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

After careful consideration and an independent review of the file, the Court accepts and adopts the R&R ([Doc. 26](#)) in full.

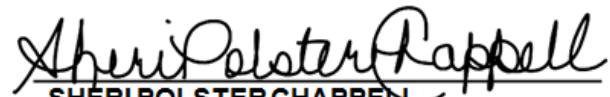
Accordingly, it is now

ORDERED:

1. The Report and Recommendation ([Doc. 26](#)) is **ACCEPTED** and **ADOPTED** and incorporated into this Order.
2. Defendant's Opposed Motion for Entry of Judgment with Remand ([Doc. 22](#)) is **GRANTED**.
3. Defendant's decision denying benefits is **REVERSED** and this case is **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the Motion. See ([Doc. 22 at 1](#)).
4. If Plaintiff prevails on remand, Plaintiff must comply with the Court's November 14, 2012, standing order (Doc. 1) in Miscellaneous Case No. 6:12-mc-124-Orl-22.

5. The Clerk is **DIRECTED** to enter judgment, terminate all deadlines or pending motions, and close the file.

DONE and **ORDERED** in Fort Myers, Florida on January 15, 2021.


SHERI POLSTER CHAPPEL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record